

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GILBERTO DIAZ,

Plaintiff,

-against-

ELLEN BIBEN, Justice of the Supreme Court of
the State of New York, Criminal Term, Part 43,

Defendant.

1:20-CV-4357 (CM)

CIVIL JUDGMENT

Pursuant to the order issued June 22, 2020, dismissing this action without prejudice,

IT IS ORDERED, ADJUDGED, AND DECREED that this action is dismissed without prejudice under the Prison Litigation Reform Act's "three-strikes" provision. *See* 28 U.S.C. § 1915(g). Plaintiff continues to be barred from filing any federal civil action under the *in forma pauperis* (IFP) statute while he is a prisoner unless he is under imminent danger of serious physical injury. *See id.*

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.

IT IS FURTHER ORDERED that the Clerk of Court mail a copy of this judgment to Plaintiff and note service on the docket.

SO ORDERED.

Dated: June 22, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge